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Attorneys for Defendant  
BAYER HEALTHCARE LLC

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

ABBOTT DIABETES CARE INC. and  
ABBOTT LABORATORIES,

Plaintiffs,

vs.

ROCHE DIAGNOSTICS CORP., ROCHE  
DIAGNOSTICS OPERATIONS, INC., and  
BAYER HEALTHCARE LLC

Defendant.

CASE NO. C05-3117 MJJ

STIPULATION AND ~~PROPOSED~~<sup>2</sup>  
ORDER EXTENDING TIME TO  
OBJECT TO MAGISTRATE JUDGE'S  
ORDER

STIPULATION AND ~~PROPOSED~~<sup>2</sup> ORDER EXTENDING TIME TO OBJECT TO MAGISTRATE JUDGE'S ORDER  
No. C05-3117 MJJ  
sf-2372733

**RECITALS AND STIPULATION**

Pursuant to Civil Local Rules 6-1, 6-2, and 7-12, the parties hereby stipulate, subject to the Court's approval, as follows:

WHEREAS, Magistrate Judge Bernard Zimmerman denied Defendants' Motion to Compel discovery of the settlement agreement between Abbott Laboratories and LifeScan, Inc. in an order dated and filed on August 3, 2007;

WHEREAS, Rule 72 of the Federal Rules of Civil Procedure authorizes a party to serve and file objections to a magistrate judge's order within 10 days;

WHEREAS, Defendants wish to review the transcript of the hearing to determine whether they will object to the magistrate judge's order;

WHEREAS, Defendants have requested a hearing transcript but have yet to receive an final copy;

WHEREAS, counsel for the parties have conferred and agreed to give Defendants an additional week beyond the 10-day limit to serve and file an objection to the magistrate judge's order so that Defendants will have time to obtain and review the hearing transcript;

WHEREAS, the agreed-upon extension is not for the purpose of delay, promotes judicial efficiency, and will not cause prejudice to either party;

NOW, THEREFORE,

The undersigned parties, by and through their counsel, stipulate to the Court's entry of the proposed Order set forth below.

**.IT IS SO STIPULATED.**

1 Dated: August 17, 2007

MORRISON & FOERSTER LLP

2  
3 By: \_\_\_\_\_

4 Wesley E. Overson

5 Attorneys for Defendant  
6 BAYER HEALTHCARE LLC

7 Dated: August 17, 2007

BARNES & THORNBURG LLP

8  
9 By: \_\_\_\_\_

10 Donald E. Knebel

11 Attorneys for Defendant  
12 ROCHE DIAGNOSTICS CORP.

13  
14 Dated: August 17, 2007

BAKER BOTTS LLP

15  
16 By: \_\_\_\_\_

17 James W. Cannon, Jr.

18 Attorneys for Plaintiffs  
19 ABBOTT DIABETES CARE INC.  
20 AND ABBOTT LABORATORIES  
21  
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~~PROPOSED~~ ORDER

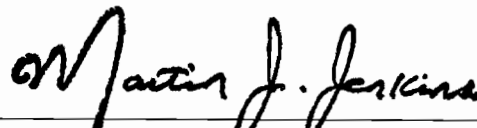
On the stipulation of the parties, and good cause appearing, it is hereby ordered that:

1. Defendants shall have an additional week to serve and file an objection to Magistrate Judge Bernard Zimmerman's August 3, 2007 order denying Defendants' motion to compel discovery of the settlement agreement between Plaintiff Abbott Laboratories and non-party LifeScan, Inc.

2. Defendants shall serve and file any objection to Magistrate Judge Bernard Zimmerman's order on or before August 24, 2007.

**IT IS SO ORDERED.**

Date: 8/21, 2007

  
Honorable Martin J. Jenkins  
United States District Court Judge

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Dated: August 17, 2007

MORRISON & FOERSTER LLP

By:

  
Wesley E. Overson

Attorneys for Defendant  
BAYER HEALTHCARE LLC

Dated: August 17, 2007

BARNES & THORNBURG LLP

By:

  
Donald E. Knebel

Attorneys for Defendant  
ROCHE DIAGNOSTICS CORP.

Dated: August 17, 2007

BAKER BOTTS LLP

By:

  
James W. Carnon, Jr.

Attorneys for Plaintiffs  
ABBOTT DIABETES CARE INC.  
AND ABBOTT LABORATORIES